

JUL 17 2003

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

SAMMY ZAMARO,

Petitioner - Appellant,

v.

ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA, et al.,

Respondents - Appellees.

No. 02-57012

D.C. No. CV-01-01304-BTM

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Barry T. Moskowitz, District Judge, Presiding

Submitted June 13, 2003**

Before: SKOPIL, FERGUSON, and BOOCHEVER, Circuit Judges.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Sammy Zamaro appeals from the district court's denial of his petition for habeas corpus under 18 U.S.C. § 2254. We have jurisdiction over this appeal under 28 U.S.C. § 2253(a), and we affirm.

We grant habeas relief only if the state court decision (1) “was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court . . . ; or (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.” 28 U.S.C. § 2254(d).

The state appellate court found that even if Zamaro's attorney erred in failing to object to all of Detective Aguirre's testimony, there was ample additional evidence of Zamaro's guilt. The court concluded that there was no reasonable probability that the result of the proceeding would have been different absent counsel's alleged error. See Williams v. Taylor, 529 U.S. 362, 406 (2000). Zamaro has not demonstrated that the decision, which applied clearly established federal law, was based on an unreasonable determination of the facts given the evidence presented at trial.

AFFIRMED.